

Message Text

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TO USMISSION NATO IMMEDIATE

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TAGS: PFOR, NATO, ICRC, PARM

SUBJECT: INTERNATIONAL HUMANITARIAN LAW IN ARMED

-- CONFLICT -- PROPOSED NATO CONSULTATIONS

REF: USNATO 3696

1. DRAFT MANDATE FOR MILITARY COMMITTEE STUDY ON CONVENTIONAL WEAPONS IS ACCEPTABLE AND MISSION MAY GIVE SILENT CONSENT.

2. DRAFT MANDATE FOR STUDY OF IMPLICATIONS OF ARTICLE 46(3) POSES PROBLEMS AS US POSITION IS THAT ARTICLE 46(3)
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DOES NOT PROHIBIT NUCLEAR WEAPONS AND, WITH RESPECT TO

CONVENTIONAL WEAPONS, ARTICLE 46(3) HAS ONLY MINIMAL EFFECT OF PROHIBITING WEAPONS THAT ARE ESSENTIALLY UNCONTROLLABLE OR THAT HAVE EFFECTS THAT VIOLATE OTHER PROVISIONS OF THE PROTOCOL.

3. FORMAL MILITARY COMMITTEE STUDY OF IMPLICATIONS OF DRAFT ARTICLE 46(3) WOULD REQUIRE AGREED STATEMENT OF

PRECISE MEANING OF THAT PROVISION WHICH WE DOUBT WOULD BE USEFUL EXERCISE. TEAM OF US EXPERTS PLANS TO VISIT BONN ON AUGUST 8 FOR FURTHER DISCUSSIONS WITH FRG ON THIS AND RELATED ISSUES, AND WE HOPE TO ALLAY FRG CONCERN AT THAT TIME.

4. MISSION SHOULD DISCUSS FOREGOING WITH FRG MISSION WITH A VIEW TO HAVING ARTICLE 46(3) STUDY REQUEST WITHDRAWN OR DEFERRED UNTIL AUGUST DISCUSSION WITH US EXPERTS IS COMPLETED. MISSION SHOULD MAKE CLEAR THAT US COULD NOT GIVE SILENT CONSENT TO PROPOSED STUDY AT JULY 14 POLADS. MISSION MAY SUGGEST TO FRG REP THAT, IF FRG STILL DESIRES NATO STUDY OF ARTICLE 46(3) AFTER AUGUST 8 CONSULTATIONS, US WOULD BE PREPARED TO HELP WORK OUT STUDY PROPOSAL IN TERMS THAT WE BELIEVE WOULD BE MORE MEANINGFUL.

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